

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDRE DUSHON BROWN,

Defendant.

Case No. CR98-0618FDB

ORDER


Defendant requests credit for time served from the time of his Federal arrest. The procedural history of this case, wherein the Honorable Jack E. Tanner sentenced Defendant on May 7, 1999, is set out in the Government's Response. Having completed his 25-month state sentence on June 16, 2005, Defendant is now serving his consecutive Federal sentence at the Federal Correctional Institution at Victorville, California in the Central District of California.

While a Federal prisoner who is challenging his Federal *conviction* or Federal *sentence* can file a motion under 18 U.S.C. § 2255 with the sentencing court, it is well established that a prisoner challenging the manner of *execution* of the sentence is required to file a motion under 28 U.S.C. § 2241 in the district where the prisoner is confined. *See* 28 U.S.C. § 2241; *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989)(“Federal district courts have no authority to monitor the execution of a

1 prisoner's sentence. That task is left to the Bureau of Prisons. The proper forum to challenge the
2 execution of a sentence is the district where the defendant is confined.") A claim for credit against a
3 Federal sentence for time spent in custody cannot be raised under 28 U.S.C. § 2255, as it challenges
4 the execution of sentence rather than the district court's imposition of sentence. *United States v.*
5 *Espinosa*, 866 F.2d 1067, 1071 (9th Cir. 1988). Nor does the sentencing court have authority to
6 compute credit for time served as to a sentence it has imposed. *United States v. Wilson*, 503 U.S.
7 329, 333-34 (1992).

8 ACCORDINGLY, IT IS ORDERED: Defendant Brown's Motion for Credit from Time of
9 Federal Arrest [Dkt. # 51] is DENIED.

10 DATED this 9th day of May, 2006.

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13 FRANKLIN D. BURGESS
14 UNITED STATES DISTRICT JUDGE
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